

CONTESTED CASE PETITION FOR REVIEW PROCESS

Section 1317 of Part 13, Permits, of the NREPA, 1994 PA 451, as amended

Legend

DEQ Director

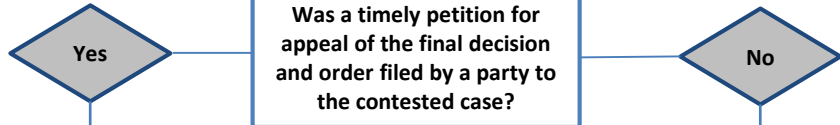
Contested Case Review
Panel

Michigan Compiled Laws
citation, e.g., 324.1317

POST PERMIT DECISION/CONTESTED CASE

Should there be a contested case regarding a permit decision, an Administrative Law Judge shall preside over and make the final decision, and issue the final decision and order. Any party to the contested case, may, within 21 days of final decision, seek review of that decision by the Contested Case Review Panel by submitting a "Petition for Review of a Final Decision of a Contested Case" to the DEQ Director and notice to the hearings officer.

324.1317(1)



Yes

Within 45 days after receiving a petition, the DEQ Director convenes a Contested Case Review Panel comprised of three members of the Environmental Permit Review Commission. Panel members are based upon relevant experience. The DEQ Director shall not select any commission members who were members of a panel that previously reviewed any dispute regarding the permit.

324.1317(2)

No

The final decision and order of the Administrative Law Judge is the final agency action for the purposes of any applicable judicial review.

324.1317(7)

The Contested Case Review Panel members submit "Disclosure of Interest" form, and select a chairperson. The Panel review of the final decision is limited to the record (petition & supporting documents) established by the Administrative Law Judge.

324.1317(2)

After the Contested Case Review Panel is convened, no member of the panel shall communicate with any person or party in connection with the issue. The Panel may adopt, remand, modify or reverse, in whole or in part, the final decision made by the Administrative Law Judge.

324.1317(3) and (4)

The Contested Case Review Panel shall issue an opinion that becomes the final decision and order of the DEQ and is subject to judicial review as provided under the Administrative Procedures Act, 1969 PA 306, as amended. The opinion issued by the Panel must be in writing and clearly define the legal and technical principles being applied.

324.1317(4) and (6)